

## **REMARKS**

Applicants thank the Examiner for the Office Action of October 31, 2007. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 9-12 are pending of which 9-12 stand rejected. Claims 13-16 have been withdrawn from consideration.

### **Election / Restrictions:**

Group I, consisting of claims 9-12 and drawn to a process for producing carbon monoxide by cryogenic distillation, is elected without traverse.

### **Claim Rejections Under 35 U.S.C. § 103:**

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fabian '621*. Applicants respectfully submit that claims 9-12 are not unpatentable over *Fabian '621*.

A number of elements that are required by independent claim 9 of the instant application are missing from the disclosure provided by *Fabian '621*, in the specific excerpts presented by the Examiner and elsewhere in *Fabian '621*.

Such missing elements include, but are not limited to, the stripping column required by element c) of claim 9 of the instant application. Claim 9 requires the cooled mixture to be partially condensed [*element a*]), separated to produce a carbon monoxide-enriched liquid [*element b*]), which is sent to a stripping column to produce a hydrogen-free liquid carbon monoxide [*element c*]), which is then sent to a distillation column [*element d*]). No stripping column is mentioned anywhere in the text of *Fabian '621*.

Another such missing element include the requirement in element f) that the "carbon monoxide-rich stream is withdrawn from a second intermediate point, the second intermediate point being above the first intermediate point." The liquid carbon dioxide is removed from the nitrogen separator column at the bottom (stream 60), and not at an intermediate point above the first intermediate point (stream 55).

Hence, for at least these two reasons, Fabian '621 fails to teach or suggest the instant invention, thereby rendering this rejection moot.

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fabian '339*. Applicants respectfully submit that claims 9-12 are not unpatentable over *Fabian '339*.

A number of elements that are required by independent claim 9 of the instant application are missing from the disclosure provided by *Fabian '339*, in the specific excerpts presented by the Examiner and elsewhere in *Fabian '339*.

Such missing elements include, but are not limited to, the requirement in element f) that the "carbon monoxide-rich stream is withdrawn from a second intermediate point, the second intermediate point being above the first intermediate point." The liquid carbon dioxide is removed from the (second) rectification column at the top (stream 16), and not at an intermediate point above the first intermediate point (stream 55).

Applicants also respectfully disagree with the Examiner's assertion that one skilled in the art would find it obvious to take the double distillation column arrangement of *Fabian '339* and reduce it to a single distillation column arrangement based purely on capital cost considerations. One skilled in this art would recognize that it would be very difficult, possibly impossible, to collapse these two rectification columns, with all the intermediate exchanges of heat, into a single column and retain the same product

purity. If such a process degeneration were obvious and practical, one would have expected the inventors of *Fabian* '339 to have found it with Occam's razor.

Hence, for at least these two reasons, *Fabian* '339 fails to teach or suggest the instant invention, thereby rendering this rejection moot.

## **CONCLUSION**

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

It is not believed that any fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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